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10/695,023	10/28/2003	Michael J. Lehr	31356.30005	4272

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EXAMINER

CRABTREE, JOSHUA DAVID

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

6

<b>Office Action Summary</b>	<b>Application No.</b> 10/695,023	<b>Applicant(s)</b> LEHR, MICHAEL J.	
	<b>Examiner</b> Joshua D. Crabtree	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 October 2003.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413) ,<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                         |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/8/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, claim 1 recites the step of allowing comments during the relation of the first allegory (line 10). Claim 1 also recites the step of allowing comments during the relating of the second allegory (lines 14-15). Claim 1 then recites the step of interrelating the first and second allegories based on the comments. However, the claim language is unclear as to whether these comments are those received during the first allegory, second allegory, or both.

Similarly, claim 2 recites the steps of receiving comments during the presentation of three allegories, then recites the step of interrelating the allegories based on the answers and comments (p. 59, line 20). The claim language is unclear as to whether these answers and comments are the one received during the presentation of the first allegory (p. 59, line 6), the second allegory (p. 59, line 14), or the third allegory (p. 59, line 18). Claims 3-6 inherit this deficiency, due to their dependence from claim 2.

Similarly, claim 4 recites the limitation of interrelating all of the allegories based upon answer and comments (p. 60, line 6), without specifying which of the previously

recited answers and comments are being used. Claims 5-6 inherit this deficiency, due to their dependence from claim 4.

Similarly, claim 7 recites the limitation of interrelating all of the allegories based upon answer and comments (p. 61, line 17), without specifying which of the previously recited answers and comments are being used. Claims 8-11 inherit this deficiency, due to their dependence from claim 7.

Similarly, claim 9 recites the limitation of interrelating all of the allegories based upon answer and comments (p. 62, line 3), without specifying which of the previously recited answers and comments are being used. Claims 10-11 inherit this deficiency, due to their dependence from claim 9.

Additionally, claim 2 recites the limitation of determining the amount of time spent relating the allegory by the questions *and comments* during the first allegory (p. 59, lines 8-9). Although the claim does recite allowing questions during the first allegory (p. 59, line 6), it does not recite allowing *comments* during the allegory. Therefore, there is insufficient antecedent basis for this limitation in the claim. Claims 3-6 inherit this deficiency, due to their dependence from claim 2.

Similarly, claim 7 recites the limitation of determining the amount of time spent relating the allegory by the questions *and comments* during the first allegory (p. 61, lines 8-10). Although the claim does recite allowing questions during the first allegory (p. 61, line 5), it does not recite allowing *comments* during the allegory. Therefore, there is

insufficient antecedent basis for this limitation in the claim. Claims 8-11 inherit this deficiency, due to their dependence from claim 7.

2. Claims 2 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the claims recite the step of choosing a second allegory, based partially on the interrelation of the first and second allegories (p. 59, lines 10-12, in claim 2; p. 61, lines 8-10, in claim 7). However, the claim later recites the step of interrelating the first two allegories, based on answers and comments during relation of the second allegory (p. 59, line 15, in claim 2; p. 61, line 12, in claim 7). The first step (choosing the allegory) depends upon the result of the subsequent step (interrelating the allegories). The claim language is unclear as to how to perform the first step, without having first performed the subsequent step to obtain the result of the interrelation of allegories. Claims 3-6 inherit this deficiency, due to their dependence from claim 2. Claims 8-11 inherit this deficiency, due to their dependence from claim 7.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bajer et al. (US 6,736,642) in view of Bro (US 5,722,418).

With regard to claim 1, and the limitation of providing at least two allegories designed to make a point about interpersonal relationships, Bajer discloses presenting the user with a plurality of stimuli, or scenarios, which may be in the form of audio, video or other formats. The scenarios involve dealing with people, and the user's responses are based upon assumptions about people (Col. 2: 39-59). Bajer discloses presenting scenarios in three increments. First, an "Awareness" scenario is presented, which is used to make the user aware of assumptions they make. Second, a "Validation" scenario is presented, during which the user must interact with a simulation in order to validate previous assumptions made in the Awareness scenario. Third, an "Action" scenario is presented in two parts. In the first part, the user both assumes the role of a tutor coaching a virtual learner. In the second part, the user learns alternative behaviors for dealing with people when the user's assumptions are no longer appropriate (Col. 10: 6-41).

With regard to the limitations of asking a series of questions to an associated audience, receiving answers to the questions, and choosing a first allegory based upon

the answers to the series of questions, Bajer discloses that the user may choose which training session to open (Col. 9: 65 – Col. 10: 12). However, Bajer does not explicitly disclose the limitations of asking a series of questions of an associated audience, the questions designed to determine the starting point of the method, and receiving answers to the series of questions, and choosing a first allegory from a collection of allegories based upon the answers to the series of questions and the set of assumptions. Bro teaches a method for mediating social and behavioral processes, which includes an embodiment in which a user is asked a series of questions in order to determine the level and content of material presented to the user (Col. 36: 51-61). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Bro into the invention of Bajer in order to provide a training system in which the proficiency of the user is assessed to determine the starting point in the training.

With regard to the limitation of relating the first allegory to the audience, continuing to ask questions during the relating of the first allegory, Bajer discloses presenting the aforementioned Awareness training session, comprising video or audio stimuli (scenes), to the user (Col. 10: 62 – Col. 11: 6). The stimuli may be presented in the form of a video with multiple segments (Col. 12: 56-59). The user is prompted for responses during the session (Col. 10: 51-58).

With regard to allowing comments and questions from the audience during relating of the first allegory, Bajer discloses that the user may enter assumptions, and

receive feedback through interaction with a virtual coach during the session (Col. 10: 53-68).

With regard to the limitation of choosing a second allegory based upon the answers to the series of questions and the comments from the audience, Bajer discloses that the second scenario, or Validation part of the training, requires the user to validate assumptions made during the Awareness part of the training (Col. 13: 16-22).

With regard to the limitation of interrelating the allegories based upon the answers, the questions, and the comments, Bajer discloses that the Awareness and Validation sessions are interrelated, in that the Awareness session highlights user assumptions, and the Validation session requires the user to validate those assumptions (Col. 10: 14-26; Col. 13: 16-22).

With regard to utilizing the allegories and their interrelation to progress from one idea to a final conclusion, Bajer discloses progressing from the first idea of the importance of awareness of assumptions, the final idea that new behaviors must be learned when assumptions are not appropriate (Col. 10: 14-41).

1. **Claims 2-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bajer et al. (US 6,736,642) in view of Parry (US 6,077,085), and further in view of Bro (US 5,722,418).**

With regard to claims 2 and 7, and the limitation of providing a collection of allegories, each having a message relating to interpersonal relationships, and providing a set of assumptions, Bajer discloses presenting the user with a plurality of stimuli, or



scenarios, which may be in the form of audio, video or other formats. The scenarios involve dealing with people, and the user's responses are based upon assumptions about people (Col. 2: 39-59). Bajer discloses presenting scenarios in three increments. First, an "Awareness" scenario is presented, which is used to make the user aware of assumptions they make. Second, a "Validation" scenario is presented, during which the user must interact with a simulation in order to validate previous assumptions made in the Awareness scenario. Third, an "Action" scenario is presented in two parts. In the first part, the user both assumes the role of a tutor coaching a virtual learner. In the second part, the user learns alternative behaviors for dealing with people when the user's assumptions are no longer appropriate (Col. 10: 6-41).

With regard to the limitation of relating assumptions to the associated audience, the amount of time spent discussing the assumptions dependent upon the answers to the series of questions, Bajer discloses presenting scenes, followed by questions, in order to determine what assumptions the user may have (Col. 10: 44 - Col. 13: 22). The user is asked questions regarding assumptions they may have, and the answers given are evaluated as either correct or incorrect (Col. 11: 47-63). Bajer does not explicitly disclose performing the Awareness training session for a length of time based upon the user's answers. Parry teaches a learning system in which a user is given a review session with a series of questions. The number of questions about a particular item in the session depend on how well the user responds to the questions (Col. 18: 49-54). Parry teaches that this feature allows the student to spend less time focusing on

concepts with which he or she is already familiar, and more time focusing on concepts which he or she may be less with (Col. 2: 62 – Col. 3: 20). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Parry into the invention of Bajer in order to allowing a user to spend an appropriate amount of time focusing on the concept of Awareness of assumptions, based on their responses to the questions. A user who gets a high percentage of incorrect answers may require more time in the Awareness training session, whereas a user who gets a high percentage of correct answers would be able to move more quickly to the next training session.

With regard to relating a first allegory to the audience, Bajer discloses presenting the aforementioned Awareness training session, comprising video or audio stimuli (scenes), to the user (Col. 10: 62 – Col. 11: 6). The stimuli may be presented in the form of a video with multiple segments (Col. 12: 56-59).

With regard to the limitation of determining the amount of time spent relating the allegory by the questions and comments from the associated audience during the relating of the first allegory, Bajer discloses that the Awareness session concludes with a “Point of Reflection” period, in which the user reflects on lessons learned in the session, and think about improvements they might need to make (Col. 13: 11-15). Although it is possible that in the “Point of Reflection” period, the user might take into account the amount of time spent in the session, Bajer does not explicitly disclose determining how long the session took, based on the user’s interaction during the session. Parry teaches

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the feature of providing a report including the average amount of time a student spends in each learning session (Col. 26: 40 – Col. 27: 15). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Parry into the invention of Bajer in order to provide an indicator of how long the user takes to complete the training sessions. Such an indicator could be useful in gauging how effective the training is, and how quickly the user is able to absorb the training material.

With regard to the limitation of choosing a second allegory based upon the answers to the series of questions, the comments from the audience during the relating of the first allegory, and the interrelation of the two allegories, Bajer discloses that the second scenario, or Validation part of the training, requires the user to validate assumptions made during the Awareness part of the training (Col. 13: 16-22).

With regard to the limitation of allowing comments and questions from the audience during the relating of the second allegory, Bajer discloses that the user may input comments, and select questions to ask during the Validation training session (Col. 14: 41-61).

With regard to the limitation of interrelating the allegories based upon the answers and the comments, Bajer discloses that the Awareness and Validation sessions are interrelated, in that the Awareness session highlights user assumptions, and the Validation session requires the user to validate those assumptions (Col. 10: 14-26; Col. 13: 16-22).

With regard to the limitation of choosing a third allegory based upon the answers to the series of questions and comments from the audience during the relating of the first and second allegories, and allowing comments from the audience during the relating of the third allegory, Bajer discloses that the user interacts with a virtual trainee during the third training session (Col. 16: 50 – Col. 17: 30). Bajer discloses that in the third session, the virtual trainee goes through a scenario similar to the one that the user has just completed (Col. 17: 16-40).

With regard to the limitation of interrelating the allegories based upon the answers and comments, Bajer discloses that the questions asked and assumptions made in the first two sessions help the user become both aware of assumptions and the importance of validating those assumptions. The third session, in which the user assumes the role of tutoring a virtual student, requires the user to interact with the virtual student utilizing knowledge gained from the first two sessions (Col. 3: 50-60; Col. 10: 15-41).

With regard to the limitation of utilizing the allegories to progress from a first idea to at least an incrementally different second idea, Bajer discloses that the Awareness session focuses on the importance of awareness of assumptions, and the Validation session focuses on the idea that it is important to not only be aware of assumptions, but also to be able to validate those assumptions (Col. 10: 14-26).

With regard to the limitation of utilizing the allegories and their interrelation to progress from the first idea to a final idea, Bajer discloses progressing from the first idea

of the importance of awareness of assumptions, the final idea that new behaviors must be learned when assumptions are not appropriate (Col. 10: 14-41).

Bajer discloses that the user may choose which training session to open (Col. 9: 65 – Col. 10: 12). However, Bajer, as modified by Parry, does not explicitly disclose the limitations of asking a series of questions of an associated audience, the questions designed to determine the starting point of the method, and receiving answers to the series of questions, and choosing a first allegory from a collection of allegories based upon the answers to the series of questions and the set of assumptions. Bro teaches a method for mediating social and behavioral processes, which includes an embodiment in which a user is asked a series of questions in order to determine the level and content of material presented to the user (Col. 36: 51-61). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Bro into the invention of Bajer, as modified by Parry, in order to provide a training system in which the proficiency of the user is assessed to determine the starting point in the training.

With regard to claims 3 and 8, and the limitation of utilizing the at least three allegories in progressive incremental steps, Bajer discloses that the Validation session builds upon the Awareness session, and the Action session builds upon the previous two sessions (Col. 10: 14-41).

With regard to claims 4 and 9, and the limitations of choosing a final allegory based upon the answers to the series of questions and comments from the audience during the relating of the previous allegories, and allowing comments during the allegory, and interrelating all of the allegories based upon the answers and comments, Bajer discloses that the user may interact with a "Tutor Constable" upon conclusion of the training session, in order to analyze real scenarios from their own previous training (Col. 17: 42-44). Although Bajer does not disclose performing the aforementioned session through the use of allegory, Bajer does disclose that the preceding three training sessions are presented via allegory and interactions with virtual characters, as previously described. It would have been obvious to present the final training session in an allegorical manner, since the only change required would be to use a virtual Tutor Constable, rather than a live one. The system of Bajer provides for the capability of interacting with virtual characters (such as the virtual coach, Col. 13: 49-53). It would have been obvious to substitute such a character in place of the live Tutor Constable to perform the final wrap-up training session.

With regard to utilizing all of the allegories and their interrelation to progress from one idea to the final idea, wherein the difference between the point of the final allegory and the point of the first allegory is larger than the difference between the point of the first allegory and the point of the second allegory, Bajer discloses that the final idea to be reached comprises the goals and expectations presented by the virtual coach prior to the beginning of the training (Col. 10: 6-12). The point of the first section,

or Awareness section, is slightly different from the point of the second section, or Validation section. The Awareness section stresses the importance of being aware of assumptions. The Validation section stresses the importance of validating those assumptions (Col. 10: 14-26). The point of the final allegory, or meeting with the "Tutor Constable", is to analyze the user's previous experiences in light of the training received (Col. 17: 42-44). The difference between the point of the Awareness training and the meeting with the Tutor Constable is a greater difference than that between the Awareness and Validation training.

With regard to claims 5 and 10, and the limitation of selecting a final idea to be reached prior to selecting the first allegory, Bajer discloses that the user is presented with goals and expectations for the training, prior to selection of the first session (Col. 10: 6-12).

With regard to claims 6 and 11, Bajer discloses presenting the scenarios via electronic media, such as audio, video animation, etc. (Col. 11: 1-6).

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Olenick et al. (US 2003/0219709) teach a system and method for educating, managing, and evaluating clients of professionals.

Knight et al. (US 5,676,551) teach a method and apparatus for emotional modulation of a human personality within the context of an interpersonal relationship.

Best (US 4,569,026) teaches a system of TV movies that talk back.

Ho et al. (US 6,336,029) teach a method and system for providing information in response to questions.

Adams et al. (US 7,016,880) teach an event-based system for use within the creation and implementation of educational simulations.

Eves et al. (US 5,873,057) teach an interactive audio entertainment apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Crabtree whose telephone number is 571-272-8962. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JL

Joshua D. Crabtree  
October 12, 2006

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1611  
PRIMARY EXAMINER